

RECEIVED
CENTRAL FAX CENTER
OCT 11 2006

PATENT

Docket No. 408445

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Signer, Ethan R. et al.

Confirmation No.: 4053

Application No.: 09/879,329

Group No.: 1636

Filed: June 12, 2001

Examiner: Sullivan, Daniel M.

For: **REMOVAL OF SELECTABLE MARKERS
FROM TRANSFORMED CELLS**

October 11, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

This communication is filed in response to the Office Action dated July 11, 2006.

Amendments to the claims begin on page 2.

Remarks begin on page 7.

Signer et al.
Application Serial No. 09/879,329

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

OCT 11 2006

4845 Pearl East Circle
Suite 300
Boulder, CO 80301

(720) 931-3000, Fax (720) 931-3001

Direct Dial Number:
(720) 931-3012www.lathropgage.com2345 Grand Boulevard,
Suite 2800
Kansas City, MO 64108-2612
(816) 292-2000, Fax (816) 292-2001230 Park Avenue
Suite 1847
New York, NY 10169
(212) 850-6220, Fax (212) 850-6221314 East High Street
Jefferson City, MO 65101
(573) 893-4336, Fax (573) 893-539810851 Mastin Blvd.
Building 82, Suite 1000
Overland Park, KS 66210-1669
(913) 451-5100, Fax (913) 451-0875370 17th Street
Suite 4650
Denver, CO 80202-5607
(720) 931-3200, Fax (720) 932-32011845 S. National
Springfield, MO 65808-4288
(417) 886-2000, Fax (417) 886-91261010 Market Street
Suite 1300
St. Louis, MO 63101-2000
(314) 613-2500, Fax (314) 613-25501200 G Street, N.W.
Suite 800
Washington, D.C. 20005
(202) 434-8984, Fax (202) 434-8992

October 11, 2006

From: Dan Cleveland, Jr.

Matter No.: 408445

To:	Company:	Fax Number:	Phone Number:
Mail Stop Amendment Commissioner for Patents	United States Patent and Trademark Office	571-273-8300	

Number of Pages Transmitted (including this cover sheet): 12

Applicant(s)	Ethan R. Signer et al.	Examiner	Sullivan, Daniel R.
Serial No.	09/879,329	Group Art No.	1636
Filed	June 12, 2001	Confirmation No.	4053
For	Removal of Selectable Markers From Transformed Cells		

If you have a problem receiving this facsimile, please call: (720) 931-3000

Fax Attendant _____

CONFIDENTIALITY NOTE:

The information in this facsimile message ("fax") is sent by an attorney or his/her agent, is intended to be confidential and for the use of only the individual or entity named above. The information may be protected by attorney/client privilege, work product immunity or other legal rules. If the reader of this message is not the intended recipient, you are notified that retention, dissemination, distribution or copying of this fax is strictly prohibited. If you receive this fax in error, please notify us immediately by telephone an

RECEIVED
CENTRAL FAX CENTER

OCT 11 2006

CERTIFICATE OF FACSIMILE TRANSMISSION 37 CFR 1.8			Matter No.
Applicant(s): Ethan R. Signer, et al.			408445
Serial No.	Filing Date	Examiner	Group Art Unit
09/879,329	June 12, 2001	Daniel M. Sullivan	1636
Title: Removal Of Selectable Markers From Transformed Cells			
<p>I hereby certify that the following:</p> <ol style="list-style-type: none">1. Transmittal Form (1 page)2. Amendment (9 pages);3. Fax Cover Page (1 page); <p>are being sent via facsimile transmission to Mail Stop Amendment, Commissioner for Patents, on this 11th day of October 2006.</p>			
<p>Janice Price <small>Name of Transmitter</small></p>  <p><small>Signature of Transmitter</small></p>			
<p>(571) 273-8300 <small>Faximile No.</small></p>			

TRANSMITTAL
FORM

Application Number	09/879,329
Filing Date	June 12, 2001
First Named Inventor	Ethan R. Signer
Art Unit	1636
Examiner Name	Sullivan, Daniel M.

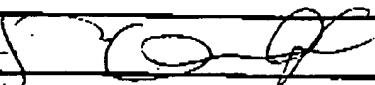
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Attorney Docket Number

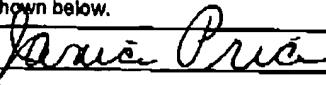
ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Mailing Fax cover page
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Lathrop & Gage LC		
Signature			
Printed Name	Dan Cleveland, Jr.		
Date	October 11, 2006	Reg. No.	36,106

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Janice Price
Date	October 11, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.